



Sen. William R. Haine

**Filed: 5/12/2008**

09500HB4203sam001

LRB095 15139 RLC 50758 a

1 AMENDMENT TO HOUSE BILL 4203

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4203 on page 3, by  
3 replacing lines 3 through 9 with the following:

4 "Section 11-501 of this Code. Imposition of the penalties  
5 authorized"; and

6 by replacing lines 24 through 26 on page 3 and line 1 on page 4  
7 with the following:

8 "(g) If a violation of subsection (c) of this Section  
9 results in the death of another person, in addition to any  
10 other penalty imposed, the person's driving privileges shall be  
11 suspended for 2 years."; and

12 on page 4, by inserting immediately below line 10 the  
13 following:

14 "Section 10. The Criminal Code of 1961 is amended by  
15 changing Section 9-3 as follows:

1 (720 ILCS 5/9-3) (from Ch. 38, par. 9-3)

2 (Text of Section after amendment by P.A. 95-467, 95-551,  
3 and 95-587)

4 Sec. 9-3. Involuntary Manslaughter and Reckless Homicide.

5 (a) A person who unintentionally kills an individual  
6 without lawful justification commits involuntary manslaughter  
7 if his acts whether lawful or unlawful which cause the death  
8 are such as are likely to cause death or great bodily harm to  
9 some individual, and he performs them recklessly, except in  
10 cases in which the cause of the death consists of the driving  
11 of a motor vehicle or operating a snowmobile, all-terrain  
12 vehicle, or watercraft, in which case the person commits  
13 reckless homicide. A person commits reckless homicide if he or  
14 she unintentionally kills an individual while driving a vehicle  
15 and using an incline in a roadway, such as a railroad crossing,  
16 bridge approach, or hill, to cause the vehicle to become  
17 airborne.

18 (b) (Blank).

19 (c) (Blank).

20 (d) Sentence.

21 (1) Involuntary manslaughter is a Class 3 felony.

22 (2) Reckless homicide is a Class 3 felony.

23 (e) (Blank).

24 (e-2) Except as provided in subsection (e-3), in cases  
25 involving reckless homicide in which the offense is committed

1 upon a public thoroughfare where children pass going to and  
2 from school when a school crossing guard is performing official  
3 duties, the penalty is a Class 2 felony, for which a person, if  
4 sentenced to a term of imprisonment, shall be sentenced to a  
5 term of not less than 3 years and not more than 14 years.

6 (e-3) In cases involving reckless homicide in which (i) the  
7 offense is committed upon a public thoroughfare where children  
8 pass going to and from school when a school crossing guard is  
9 performing official duties and (ii) the defendant causes the  
10 deaths of 2 or more persons as part of a single course of  
11 conduct, the penalty is a Class 2 felony, for which a person,  
12 if sentenced to a term of imprisonment, shall be sentenced to a  
13 term of not less than 6 years and not more than 28 years.

14 (e-5) (Blank).

15 (e-7) Except as otherwise provided in subsection (e-8), in  
16 cases involving reckless homicide in which the defendant: (1)  
17 was driving in a construction or maintenance zone, as defined  
18 in Section 11-605.1 of the Illinois Vehicle Code, or (2) was  
19 operating a vehicle while failing or refusing to comply with  
20 any lawful order or direction of any authorized police officer  
21 or traffic control aide engaged in traffic control, the penalty  
22 is a Class 2 felony, for which a person, if sentenced to a term  
23 of imprisonment, shall be sentenced to a term of not less than  
24 3 years and not more than 14 years.

25 (e-8) In cases involving reckless homicide in which the  
26 defendant caused the deaths of 2 or more persons as part of a

1 single course of conduct and: (1) was driving in a construction  
2 or maintenance zone, as defined in Section 11-605.1 of the  
3 Illinois Vehicle Code, or (2) was operating a vehicle while  
4 failing or refusing to comply with any lawful order or  
5 direction of any authorized police officer or traffic control  
6 aide engaged in traffic control, the penalty is a Class 2  
7 felony, for which a person, if sentenced to a term of  
8 imprisonment, shall be sentenced to a term of not less than 6  
9 years and not more than 28 years.

10 (e-9) In cases involving reckless homicide in which the  
11 defendant drove a vehicle and used an incline in a roadway,  
12 such as a railroad crossing, bridge approach, or hill, to cause  
13 the vehicle to become airborne, and caused the deaths of 2 or  
14 more persons as part of a single course of conduct, the penalty  
15 is a Class 2 felony.

16 (e-10) In cases involving involuntary manslaughter or  
17 reckless homicide resulting in the death of a peace officer  
18 killed in the performance of his or her duties as a peace  
19 officer, the penalty is a Class 2 felony.

20 (e-11) ~~(e-10)~~ In cases involving reckless homicide in which  
21 the defendant unintentionally kills an individual while  
22 driving in a posted school zone, as defined in Section 11-605  
23 of the Illinois Vehicle Code, while children are present or in  
24 a construction or maintenance zone, as defined in Section  
25 11-605.1 of the Illinois Vehicle Code, when construction or  
26 maintenance workers are present the trier of fact may infer

1 that the defendant's actions were performed recklessly where he  
2 or she was also either driving at a speed of more than 20 miles  
3 per hour in excess of the posted speed limit or violating  
4 Section 11-501 of the Illinois Vehicle Code.

5 (e-12) In cases involving reckless homicide in which the  
6 defendant unintentionally kills an individual, the trier of  
7 fact may infer that the defendant's actions were performed  
8 recklessly where he or she was also violating subsection (c) of  
9 Section 11-907 of the Illinois Vehicle Code. The penalty for a  
10 reckless homicide in which the driver also violated subsection  
11 (c) of Section 11-907 of the Illinois Vehicle Code is a Class 2  
12 felony, for which a person, if sentenced to a term of  
13 imprisonment, shall be sentenced to a term of not less than 3  
14 years and not more than 14 years.

15 (f) In cases involving involuntary manslaughter in which  
16 the victim was a family or household member as defined in  
17 paragraph (3) of Section 112A-3 of the Code of Criminal  
18 Procedure of 1963, the penalty shall be a Class 2 felony, for  
19 which a person if sentenced to a term of imprisonment, shall be  
20 sentenced to a term of not less than 3 years and not more than  
21 14 years.

22 (Source: P.A. 95-467, eff. 6-1-08; 95-551, eff. 6-1-08; 95-587,  
23 eff. 6-1-08; 95-591, eff. 9-10-07; revised 10-30-07.)".